



Montoya, Darlene <dmontoya@nmag.gov>

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## SRPD USE OF FORCE

4 messages

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**Mary Cordova** <mcordova@srnm.org>

Mon, Jan 23, 2017 at 2:28 PM

Reply-To: mcordova@srnm.org

To: dmontoya@nmag.gov

DEAR DARLENE MONTOKA,

ATTACHED ARE THE POLICY AND PROCEDURES FOR USE OF FORCE FOR  
THE SANTA ROSA POLICE DEPARTMENT.

PLEASE LET ME KNOW IF YOU NEED ANYTHING ELSE.

RESPECTFULLY,

MARY A. CORDOVA  
ADMINISTRATIVE ASSISTANT  
SANTA ROSA POLICE DEPARTMENT  
[575-472-3605](tel:575-472-3605)



**SRPD USE OF FORCE.pdf**

10153K

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**Montoya, Darlene** <dmontoya@nmag.gov>

Mon, Jan 23, 2017 at 2:45 PM

To: mcordova@srnm.org

Ms. Cordova:

In the letter it also requested information regarding the last time the policies were reviewed and/or revised, and how often staff receives training on these policies.

Could you please let me know?

Thank you so much. I will get these printed and entered as received from Santa Rosa PD.

[Quoted text hidden]

—  
Darlene Montoya, Administrator  
New Mexico Attorney General's Office  
408 Galisteo Street  
Santa Fe, New Mexico 87501  
[\(505\) 490-4854](tel:505-490-4854)

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**Mary Cordova** <mcordova@srnm.org>

Tue, Jan 24, 2017 at 9:29 AM

Reply-To: mcordova@srnm.org

To: "Montoya, Darlene" <dmontoya@nmag.gov>

DEAR DARLENE MONTOKA,

I SPOKE WITH CHIEF OF POLICE MICHAEL GAUNA, AND HE ADVISED THAT OUR USE OF FORCE POLICY WAS REVISED IN 2013. ( THE COPY I SENT YOU, IS THE REVISED COPY.)  
TRAINING ON POLICIES - WE HAVE MONTHLY MEETINGS AND THAT IS WHEN THEY GO OVER THE POLICIES, UNLESS SOMETHING NEEDS TO BE ADDRESSED BEFORE THEY MEET.

RESPECTFULLY,

MARY A. CORDOVA  
ADMINISTRATIVE ASSISTANT  
SANTA ROSA POLICE DEPARTMENT  
575-472-3605

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**From:** "Montoya, Darlene" <[dmontoya@nmag.gov](mailto:dmontoya@nmag.gov)>

**Sent:** Monday, January 23, 2017 2:45 PM

**To:** [mcordova@srm.org](mailto:mcordova@srm.org)

**Subject:** Re: SRPD USE OF FORCE

[Quoted text hidden]

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**Montoya, Darlene** <[dmontoya@nmag.gov](mailto:dmontoya@nmag.gov)>

To: [mcordova@srm.org](mailto:mcordova@srm.org)

Tue, Jan 24, 2017 at 10:30 AM

Thank you so much Ms. Cordova. I will attach this with the policies. Have a good day.

[Quoted text hidden]

## **307.0 Use of Force**

**Administratively Adopted from New Mexico DPS on December 12, 2012.**

### **307.1 Purpose**

The purpose of this policy is to provide commissioned officers of the Santa Rosa Police Department with guidelines for the use of deadly force and non-deadly force.

### **307.2 Policy**

It is the policy of the Santa Rosa Police Department, that officers use only the force necessary to effectively bring an incident under control, while protecting the lives of the officer and others, while accomplishing lawful objectives. It must be stressed that the use of force is not left to the unfettered discretion of the involved officers. This is not a subjective determination. The use of force must be objectively reasonable.

### **307.3 Applicability**

This policy applies to all commissioned officers of the Santa Rosa Police Department.

### **307.4 Definitions**

- A. Chemical Agents-** Those chemical agents designed and manufactured for law enforcement purposes, as approved and issued by the Santa Rosa Police Department.
- B. Deadly Force-** Any use of force that is reasonably likely to cause death.
- C. ECD Coordinator-** The person(s) assigned by the Chief of Police to track and review all ECD applications for policy, training and equipment issues. This person shall be responsible for coordinating the training, issuance, and repair for the ECD's as needed.
- D. Excited Delirium-** Excited Delirium is a descriptive phrase coined by medical researchers to describe the extreme end of a continuum of drug abuse effects, which normally manifests itself in violent behavior of an individual, who is likely to act in a bizarre and manic way.
- E. Imminent-** Immediate danger.
- F. Less-Lethal Force-** Any use of force other than that which is considered deadly force. This includes any weaponless physical force or less-lethal weapons used to control or restrain another or to overcome the resistance of another.

- G. Objectively Reasonable-** This term means that in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including but not limited to the seriousness of the crime, the level of the threat or resistance presented by the subject and the level of threat to the community.
- H. Reactive Control Model (RCM)-** A color coded chart illustrating the use of force continuum. It is a tool that guides an officer's use of force actions in response to a subject's behavioral and criminal activity cues.
- I. Reasonable Belief-** Officers must act as a reasonably prudent person under the circumstances and the decision to use force in any degree must be based on a reasonableness and necessity, not emotions.
- J. Serious Physical Injury-** An injury that could possibly result in death, cause serious permanent disfigurement or results in long-term loss or impairment of the functioning of any bodily member or organ.
- K. Designee-** A officer designated by the Chief of Police, City Administrator or Mayor to carry out a duty or role if the Chief of Police is unavailable.
- L. Sympathetic Fire-** Is discharging a firearm when, deadly force wasn't necessary.
- M. Less-Lethal Munitions-** Is a concept of planning and force application, which meets operational objectives, with less potential for causing death or serious physical injury that conventional police tactics/equipment.
- N. Less-Lethal Shotgun-** A shotgun that designated solely for less-lethal munitions and will be color coded orange to specify the shotguns sole purpose. Less-Lethal weapons are not intended to cause death.

### 307.5 Procedure

#### A. Use of Deadly Force

- 1. Law Enforcement officers are authorized to use deadly force, consistent with the Reactive Control Model, to:
  - a. Protect their own lives and the lives of others from what is reasonably believed to be an imminent threat of death or serious bodily harm, or
  - b. To prevent the escape of a fleeing felon who the officer has probable cause

to believe poses an imminent threat of death or serious physical injury to the officer or others. When practical, prior to discharge of the firearm, officers shall identify themselves as law enforcement officers and state their intent to use deadly force.

## **2. Deadly Force Restrictions**

- a. Officers may use deadly force to destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured, terminally suffering when the officer reasonably believes that deadly force can be used without harm to the officers or others.
- b. Warning shots are prohibited.
- c. Decisions to discharge a firearm at or from a moving vehicle shall be governed by the Use of Force policy and is prohibited if to do so may present an unreasonable risk to the officer or others.

## **B. Use of Less-Lethal Force**

1. Where deadly force is not appropriate, officers may use only that level of force that is objectively reasonable to bring an incident under control. Use of less-lethal force shall be consistent with the Reactive Control Model (RCM).
2. Officers are authorized to use department-approved, less-lethal force techniques and issued equipment to:
  - a. Protect the officer or others from physical harm;
  - b. Restrain or subdue a subject or combative individual;
  - c. Bring unlawful situations and non compliant subjects safely and effectively under control.
3. Refer to Less-Lethal Weapons list for a description of all department issued less-lethal weapons.
  - a. Procedure for Review, Inspection and Approval of less-lethal weapons. The Chief of Police is responsible for the review, inspection and approval of Department owned less-lethal weapons prior to then being issued to officers.
  - b. Procedure for Removal of Unsafe less-lethal weapons.
  - c. Prior to conducting any qualification or training with less-lethal weapons, the instructor shall inspect all weapons for serviceability.



Commissioned personnel will also inspect their issued weapons for an obvious problems and serviceability.

4. Should any weapon be found to be unsafe, the weapon shall immediately be removed from service.
5. The Chief of Police or Shift Supervisor shall be contacted as soon as practical to arrange for a replacement weapon.
6. The Chief of Police or Designee shall replace/repair or have repaired the unsafe weapon, create, maintain and preserve an accurate record thereof and update the weapons database (ECD), as consistent therewith.
  - a. Procedure for Record Keeping
    1. The Chief of Police or Designee shall maintain a record of all less-lethal weapons approved by the Chief of Police for official use.
    2. The Chief of Police or Designee shall maintain a database listing of all Department issued less-lethal weapons, including model and serial numbers and to whom and when the weapon is issued.
    3. In the event any weapon is discovered to be unsafe, it shall be replaced according to the procedure described herein. The newly issued replacement shall be entered into inventory for tacking purposes.

**B. Commissioned Officers shall carry and use only those lethal and less-lethal weapons and ammunitions authorized by the Chief of Police.**

**D. Reactive Control Model**

1. Verbal Commands
  - a. Verbal direction is not necessarily considered an application of force, but it is the first step of the Reactive Control Model. It is the goal of the officer to generate "Voluntary Compliance" in order to avoid using force.
2. Empty Hand techniques (Physical Force)
  - a. Officers may use empty hand techniques on non-cooperative suspects who resist custody or lawful orders. Empty hand techniques include, but are not limited to, escort position, distraction

techniques, compliance holds, leverage takedowns, impact takedowns and ground control techniques.

### 3. Intermediate Weapons (Less-lethal Weapons)

An intermediate weapon has the potential for causing tissue damage but a low potential of resulting in serious bodily injury when properly used.

- a. Intermediate weapons include, but are not limited to, departmental approved expandable baton, straight baton, riot baton, chemical agents, canine and electronic devices (ECD).
- b. When a primary intermediate weapon is not available, a weaponless technique that involves blunt trauma may be used. These techniques will be classified as intermediate force. The most common weaponless techniques in this category include elbow strike, hand strikes, knee strikes and kicks

### 2. Chemical Agents

- a. Chemical spray may be used as a weapon to subdue an unarmed attacker or to overcome resistance and or combative behavior likely to result in injury to the officer or others. Chemical spray is not designed to replace the baton or a firearm.
- b. Officers must remember that chemical spray may sometimes be ineffective when used against those under the influence of drugs, alcohol, one have a psychotic incident or an enraged persons.
- c. The officer who uses chemical spray against a subject is responsible for ensuring that the subject receives first aid, in accordance with department training and/or the manufactures instructions.

### 3. Electronic Control Devices (ECD-Taser)

- a. An ECD may be used against a subject who is actively resisting or disobeying an officer's order exhibiting active aggression, is combative, destroying or threatening to destroy property or to prevent individuals from harming themselves or others.
- b. When practical, the use of an ECD will be preceded by a verbal warning that such force will be used if compliance is not immediately obtained.
- c. Elevated ECD Application Risk Factors-The following factors, where apparent to involved officers, require elevated justification of ECD

application. Under the following conditions, the risks of foreseeable direct or secondary injuries to the person are foreseeably elevated. Therefore officers' justification(s) for ECD application are also elevated. These evaluated risk factors can only be given consideration when the factors are reasonably perceived by the officer(s). In less-lethal force situations, when possible, officers should avoid using the ECD on:

1. Subjects operating a moving vehicle, equipment or machinery.
  2. In any environment where if the subjects fall could reasonably result in death, such as in an elevated structure or in water.
  3. Obviously pregnant female.
  4. Subjects with apparent debilitating illnesses or the elderly.
  5. Children or Subjects under eighty (80) pounds.
  6. Subjects in wheelchairs.
  7. Subjects with pacemakers or other bio-medical devices sensitive to electrical current.
  8. On Subjects who are passively resisting.
  9. On handcuffed or a secured prisoner, overtly assaultive, battering, combative overtly resistive or fleeing behavior (i.e. stiffening up like a board, kicking, head butting, spitting, encouraging, adding or abetting illegal behavior of others, etc.) that cannot be reasonably dealt with less intrusively.
- b. ECDs shall NOT be used in the following circumstances:
1. In a punitive manner
  2. On cooperative subjects.
  3. In any environment where an officer knows that a potentially flammable, volatile, or explosive material is present (including but not limited to chemical spray with volatile propellant, methamphetamine lab, gasoline, natural gas propane, high proof alcohol products or other petroleum products).
  4. From, or at moving vehicles or aircraft unless trained to do so as part of a specialty team tactic.



c. Carrying and Storage

1. The device shall be carried in an approved holster on the side of the body opposite to the service handgun.
2. The device shall be carried fully armed with the safety on in preparation for immediate use, when authorized.
3. Officers authorized to use the device shall be issued a minimum of one spare cartridge as a backup in case of cartridge failure, the need for redeployment, or in case the first cartridges wire breaks during engagement.
4. The spare cartridge shall be stored and carried in a manner consistent with training and the manufacture's specifications.

d. Maintenance

1. Each officer shall perform a spark test at least once a week to ensure the ECD is charged and properly functioning. These spark tests will be performed in a safe manner and away from people. Officers shall document the spark test on a daily recap form or some other form of documentation and tender the same to the Chief of Police or Designee.
2. If an officer's Digital Power Magazine (DPM) on the M26 reaches 20% or lower, it shall be replaced or recharged, as appropriate. The used DPM shall be turned over to the Chief of Police or Designee, to be used for training purposes.
3. Only agency approved battery sources may be used in the ECD.
4. The ECD shall not be left unattended, unless properly stored and secured.

e. Deployment

1. Prior to deployment, the deploying officer shall announce "Taser, Taser, Taser" to avoid sympathetic fire shootings.
2. In those incidents and if practical when an officer observes obvious signs or symptoms of excited delirium in a subject, he/she should arrange for the appropriate backup and medical

personnel to be at the scene prior to any deployment of the ECD.

In these instances, a single ECD application should be made, not in the hope of gaining compliance, but rather to create a window of disablement during which officers can establish physical control over the subject.

3. The ECD shall be aimed at the lower torso (lower center of mass). The targeted area will be the balancing muscles of the pelvic triangle. This will reduce the risk of a probe striking the throat, eyes, groin, face and female breast.
  4. Officers shall NOT aim or deploy the ECD to sensitive areas of the body to include the eyes, face and groin area.
  5. Upon the deployment of the ECD, the officer shall energize the subject one time and re-evaluate the subject's response, prior to re-energizing. In any case, the ECD shall be energized the least number of times and no longer than necessary to accomplish the law enforcement objective.
  6. The ECD may also be used in certain circumstance in "drive-stun" mode. This involves removing the air cartridge and pressing the unit against an appropriate area of the body consistent with training. It is important to note that when the ECD is used in this manner, it is:
    - a. Primarily a pain compliance tool.
    - b. Subject to the same deployment guidelines and restrictions as those of the ECD in cartridge deployments.
- f. Post-Deployment Procedures
1. Notify a supervisor if one is not on scene.
  2. If needed, or if one is requested by the subject, request an EMS unit to assess the level of injury sustained by the subject.
  3. Subjects who were exposed to an ECD shall be treated as follows:
    - a. If the probes penetrate the skin, only certified ECD users, any trained medical personnel or emergency room staff may remove the probes at the earliest opportunity on scene.

- b. If the probes penetrated the skin on the face, head, neck, female breasts, or groin area, only medical staff at a medical facility may remove the probes.
  - c. If the subject displays signs of excited delirium, a medical, mental or physical condition prior to or after being energized with an ECD, the subject must immediately receive medical treatment.
  - d. Officers shall provide first aid following removal of the probes by applying an antiseptic and a bandage to the probe entry sites, as appropriate.
- 4. Upon removal of the probes from the subject, the officer shall inspect the probe to ensure the barb is attached to the probe. If the barb separated from the probe, the subject must be immediately transported to a medical facility to have the barb removed from the subject's body.
  - 5. If practical photographs of the affected area shall be taken before and after the probes are removed.
  - 6. The officer shall collect the cartridges, probes, and tagged as evidence with at least one Anti Felon (AFID) tag.

#### **4. Baton**

- a. The baton may be used as a defensive weapon against an aggressive, unarmed attacker when physical force has failed or it has been determined that the use of it is inadequate or inadvisable.
- b. An Officer is not obliged to first use physical force/restraint on an aggressive, unarmed attacker who is aggressive, combative, threat to self, the officer, property or others.
- c. An officer shall carry the baton at all times when engaged in a police activity or on duty that may require custodial action.
- d. The use of the baton shall be in accordance with training. Strikes above the shoulders should be avoided unless the use of deadly force is justified. Strikes to the female breasts and groin areas shall be avoided.

#### **5. Firearms**

- a. Used only when deadly force is justified or as listed under the restrictions deadly force. Firearms may also be drawn as a "Show of Force" in accordance with the Reactive Control Model.

## **6. Weapons of Opportunity**

- b. If a confrontation suddenly escalates and an officer has no time to draw and/ or use a department approved weapon to defend self or others, the officer may use any object at hand for defense or control, provided that the use of force is reasonable, given the existing circumstances.

## **7. Less-Lethal Munitions**

- a. Includes munitions such as bean bag rounds, rubber pellet rounds, rubber slug rounds, wooden batons, foam projectiles, stinger balls, pepperballs and electronic control devices (Taser) which are designed to incapacitate without causing death or serious physical injury, the possibility of death exists, even when properly deployed.
- b. In order to determine which technique or intermediate weapon will resolve the incident and bring the desired resolution, the officer shall use only that force which is necessary to accomplish the law enforcement mission (establish control).
- c. Officers will not use less-lethal munitions unless he/she is trained to use the less-lethal weapons/munitions. Every effort will be made by officer deploying less-lethal munitions to inform all other officers/agencies involved that less-lethal munitions are being used to avoid sympathetic fire. Less-lethal shotguns are designed strictly for use to deploy less-lethal munitions. These shotguns are to be clearly marked and labeled.
- d. The use of less-lethal munitions is permissible when a person is threatening self, an officer, another person or property with physical force and other means of controlling the subject are unreasonable or could cause injury to the officer(s), subject(s), and others.
- e. The use of less-lethal munitions is also permissible when other means of lesser or equal force have been ineffective and the threat still exists to the officer(s), subject(s), others or property.

## **8. Disparity of Force**



- a. If an officer perceives he/she is at an unequal tactical advantage, the officer should change tactics to regain the tactical advantage. This can be done by calling for backup if the disparity is immediately recognized or by escalating the use of force needed to complete the law enforcement mission.

#### **9. Handcuffing and other Restraints**

- a. The mere application of handcuffing an individual does not constitute a use of force. It is a safety procedure.
- b. If the handcuffs are used as leverage control and/or pain compliance, it can be considered a use of force.
- c. Arrestees shall be handcuffed behind their back, with the handcuffs double locked, unless there is a physical reason which prevents such action; e.g. limited mobility, body mass, etc.
- d. Other restraint devices such as leg irons are permitted for use in situations where the arrestee had demonstrated behavior including but not limited to combativeness or potential for fleeing. Should these additional restraints be used, the officer shall clearly articulate the reason for the use in an offense/incident report.
- e. Reasonable force may be used on a handcuffed or secured prisoner when the handcuffed or secured prisoner is demonstrating overtly resistive or fleeing behavior (i.e. stiffening up like a board, kicking head butting, combativeness etc.) that cannot be reasonably dealt with less intrusively. This incident shall be documented on the offense report.
- f. When force is necessary, officers may use only that level of force that is objectively reasonable to bring the subject under control. The use of force shall be consistent with the Reactive Control Model (RCM) which begins with verbal coercion and continues through the use of less-lethal weapons.

#### **E. Appropriate Medical Aid**

Any officer who uses any level of force must ensure that first aid is made available if required. Appropriate medical aid may include increased observation to detect obvious changes in condition, flushing chemical agents from the eyes, applying first aid, evaluation by paramedics, or for more serious or life threatening incidents, immediate aid by medical professionals.

## **F. Reporting**

1. All uses of force shall be documented on an Offense/Incident Report and Use of Force Form. On e Use of Force Form shall be completed per incident. The escalation of force used shall be explained in the narrative section of The Use of Force Form. Uses of force include, but are not limited to the following:
  - a. Action by an office that results in, or is alleged to have resulted in injury or death of another person;
  - b. Application of force through the use of weaponless physical force or less-lethal weapons;
  - c. Application of deadly force.
2. When deadly force is used to destroy an animal, the only reporting documentation required per this policy is an Intra-Departmental Correspondence (IDC) documenting the circumstances of the incident.
3. When deadly force is used in circumstances other than destroying an animal, the reporting requirements of Policy 310.0, Investigation of the Use of Deadly Force Incidents, shall supersede the reporting requirement of this Policy. All completed forms must be submitted to the Chief of Police for review.
7. Supervisors shall complete the supervisory portion of the Use of Force Form and forward it to the Chief of Police or Designee in his/hers chain of command. The reviewing supervisor, after audio and/or video review of the incident must make a determination of whether or not follow-up action is necessary and shall indicate his/hers decision. The Lieutenant shall review the form, sign it and forward it to the Chief of Police. The Chief of Police shall determine and indicate whether the use of force was reasonable and necessary and whether further and additional review is necessary. The Chief of Police shall determine whether there were any policy violations and comment on the severity of the violation. The Chief of Police shall then indicate what type of action was taken.
  - a. Once the review process has been completed, the Supervisor shall sign the Use of Force Report and forward the Use of Force Report to the Chief of Police within five (5) days of the completion of the report(s).
  - b. If the Supervisor believes that a violation of policy has occurred regarding whether the use of force was reasonable and necessary, the Supervisor will forward the Use of Force packet to the Chief of Police. The packet will include the Use of Force Form, all reports and all

audio and/or video recordings associated with the use of force incident. The Chief of Police or Designee, will determine the appropriate disposition regarding the incident to determine policy compliance. The disposition shall include but not be limited to an inquiry or an administrative investigation.

8. In the event of a discharge, of a firearm or electronic device ECD (Taser), the officer shall notify a supervisor immediately. The supervisor shall go on scene to make an investigation and or determine if the Chief of Police should be notified. In any case, the supervisor shall complete internal correspondence documenting the incident and ensure that the Chief of Police is notified and receives a copy of the same. If the discharge results in injury or death, the requirements of Department policy 310.0 Investigation of Use of Deadly Force Incidents, shall supersede this section of this policy.

#### **G. Training**

1. The Chief of Police or Designee, shall ensure that all agency personnel authorized to carry firearms comply with the following guidelines:
  - a. On annual basis, officers shall receive in-service training on the Department's use of force policies and demonstrate proficiency with all approved lethal weapons and electronic control devices which the officer is authorized to carry.
  - b. Receive in-service training for other less-lethal weapons and weaponless control techniques every two years.
  - c. The above listed training shall be accomplished during any phase of firearms qualifications, as determined by the Chief of Police.
  - d. All documentation from the training shall be forwarded to the Chief of Police or Designee.
  - e. The personnel offering the training shall provide written notice for any officer who fails to receive or successfully complete the above described training explaining why the employee(s) was unable to meet the requirements. This documentation shall be forwarded to the Chief of Police within 24 hours.
2. The Chief of Police or his Designee shall ensure:
  - a. All proficiency training is monitored by a certified weapons or tactic instructor.



- c. The training and proficiency is documented.
  - d. Those officers unable or unwilling to demonstrate proficiency with authorized lethal and less-lethal weapons shall receive remedial training and must qualify with those weapons prior to resuming official duties.
  - e. All officers authorized to carry lethal and less-lethal weapons shall receive instruction therein and sign for a copy and instruction of the department's use of force policy prior to being authorized to carry a weapon. The instruction in and issuance of the department's use of force policy, those officer's acknowledged receipt thereof, his/her acknowledgement of understanding and agreement to comply therewith shall be documented and maintained in the officers personnel file.
- 3. In addition to training required for firearms qualification, officers shall receive agency-authorized training designed to simulate actual shooting situations and conditions, as otherwise necessary, to enhance officer discretion and judgment in using deadly and less-lethal force in accordance with this policy.
  - 4. Officers shall receive training on recognizing signs and symptoms of excited delirium, during the ECD certification training as well as receiving any updated information concerning this condition during the annual use of force training.

#### **H. Remedial Training**

- 1. Lethal Weapons- Those officers unable to demonstrate proficiency with issued lethal weapons will follow the guidelines under department policy 313.0 Qualifications with Firearms.
- 2. Electronic Control Devices (ECD)
  - a. In the event an employee is unable to demonstrate proficiency with an ECD, the personnel administering the test shall immediately inform the Employee's Chief of Police or Designee.
  - b. The employee failing to demonstrate proficiency shall immediately surrender the ECD to the Chief of Police or Designee.
  - c. The Chief of Police or Designee shall schedule the employee for remedial training. Remedial training may be conducted during the next available training to the block of instruction pertinent to the failure to demonstrate proficiency or individualized training may be scheduled.



3. Less-Lethal Weapons-Those employees failing to demonstrate proficiency with less-lethal weapons shall follow the guidelines outlined above for the ECD.

#### **I. Annual Review**

1. The Chief of Police or Designee is responsible for completing an annual documented analysis of all use of force documentation. The analysis shall minimally focus on patterns or trends that could indicate training need; need for equipment upgrades; and/or need for policy modifications.
2. The shift supervisor shall complete a report detailing the use of force analysis and forward it to the Chief of Police no later than the last day of January, following the year being analyzed.
3. The Chief of Police or Designee may convene a committee to assist with the analysis, based on need.

#### **J. Departmental Response**

1. The Department shall conduct both a criminal and administrative investigation of deadly force incidents.
2. Supervisors shall refer to policy 310.0 (Investigations of Use of Deadly Force in Death or Injury), for additional guidelines on the use of force. Supervisors are to ensure that these policies are adhered to.
3. Any employee, whose actions or use of force, results in death or serious physical injury shall be removed from the line duty assignment, with pay and benefits until the completion of the administrative review.

#### **307.6Approval**

Approved By: \_\_\_\_\_

Date: \_\_\_\_\_

12/12/12

- 309.2 Personnel will not intentionally place themselves in the path of a fleeing vehicle and then, in self-defense, fire upon that vehicle and/or its occupants.
- 309.3 Firearms will not be used in any other instance in which a reasonable and prudent man would not fire or unnecessarily endanger human lives.
- 309.4 Any discharge of a firearm deemed to be unauthorized, for any reason, will result in appropriate disciplinary action.

### **310.0 Procedure When Firearm is Discharged On Duty Causing Injury or Death.**

- 310.1 Whenever an officer of this department discharges a firearm on duty either accidentally or in the performance of his/her duties, he/she shall verbally notify his/her immediate supervisor as soon as time and circumstances permit, but in no event later than the conclusion of his tour of duty.
- A. The supervisor will immediately notify the Chief if any injury is involved because of the discharge of a firearm by the Police Department employee/member.
  - B. The condition of critically injured victim(s) will be reported to the Chief or his designee.
- 310.2 The Officer who discharged the firearm shall file a written report of the incident within eight (8) hours of the incident to the Chief and shall complete a Use of Force Report Form unless hospitalized or injured and unable to do so.
- A. If the officer is injured and unable to file a written report, the officer's supervisor will file the report. Recorded statements may be taken in order to gather information for the report.
- 310.3 When an accident occurs in which an officer seriously injures or kills another person, the first supervisor to arrive at the scene will advise the officer of his rights to consult with counsel immediately.
- 310.4 The concerned officer shall be permitted to consult with counsel, in private if necessary, prior to any questioning or interview concerning the incident.
- 310.5 Representation shall be allowed beginning at the scene of the incident,

and continuing through the entire criminal investigation.

A. Witness(s) to an incident are not necessarily entitled to legal representation.

310.6 The involved officer shall relate a brief account of the incident to a supervisor, and to him only, prior to the arrival of the necessary investigative personnel, so that the supervisor may brief ranking personnel who may require administrative information.

310.7 If the officer is not injured, he/she should retire some distance from the scene to await the arrival of the person in charge of the investigation.

310.8 Normally, another officer of equal rank, or supervisor, may be chosen by the involved officer to act as a companion.

A. The purpose of the companion is to serve in a supportive role during the subsequent events; however, the chosen companion may be required to provide a statement to investigators, therefore, the companion shall inform the involved officer of this requirement.

310.9 The involved officer will be afforded an opportunity to communicate with his family and clergy representative as soon as possible.

A. The person designated as "companion" shall make the necessary Arrangements for transportation or other needs.

310.10 The supervisor-in-charge at the scene shall ensure that only investigators and/or crime-scene personnel are admitted to the scene, until after physical evidence collection is completed.

310.11 After evidence collection is completed, only the following persons shall be admitted to the scene, until the scene is released by the investigator in charge; Chief, Lieutenant/investigator, and other necessary personnel.

310.12 The involved officer's commander shall confer with the investigating officer so that a briefing sheet can be prepared. The briefing sheet is intended to inform all personnel of the incident so that the involved officer is less likely to be subject to questioning upon his return to duty.



A. Copies of the briefing sheet shall be distributed to the Chief, and the lieutenants.

310.13 The involved officer shall be seen by a psychologist contracted by the Police Department as soon as practical after the incident. The duration of the consultation shall be as the direction of the psychologist.

310.14 The involved officer shall be placed on administrative leave with pay for a minimum of one (1) day. If, in the opinion of the individual's commander, additional administrative leave with pay is necessary, it may be granted up to a period of five (5) working days, upon approval of the Chief.

A. The involved officer will remain available if needed.

310.15 In all cases, the completed investigation will be submitted to the District Attorney for evaluation and proper action if required.

### **311.0 Authorized Firearms.**

311.1 Firearms that meet the; following specifications are the only weapons that are authorized for use by officers of the Police Department while on duty.

#### **311. REVOLVERS**

A. Will be .38 special, .357 Magnum, .41, .44, or .45 Caliber.

B. Must be capable of firing double action.

C. Must be Colt, Smith & Wesson, Ruger or Dan Wesson Manufacture.

D. Barrel length will be between 2 ½ and 6".

E. The finish will be optional.

F. The weapon will be maintained in clean, lubricated, and safe working condition at all times.

311.3 Weapons manufactured by other companies may be carried upon individual written approval of the Chief. To request approval to carry a gun other than those listed above, deputies will submit a letter to the